

Licensee, and the undersigned today to discuss the distinctions between the cited Dryden patent and the present claims so as to expedite prosecution.

In accordance with the recommendations of the Examiner the specification has been amended at page 22 to switch two part numbers to better reflect the lead line placement in the drawings, and to make more explicit on page 34 how the multilumen filter of the present invention can act as a proximal fitting.

It is respectfully submitted that these amendments do not constitute new matter as the Figures and language of the specification as originally filed clearly teach that the multilumen filter can act to connect a proximal terminal with multiple flexible respiratory conduits, and that the part number change does not alter the original teachings of the specification.

The present claims are directed to a multilumen proximal fitting for connection to a mating multilumen proximal terminal for a multilumen unilimb respiratory circuit, as further limited in dependent claims. There is no teaching or suggestion of such a proximal fitting in the respiratory circuit art.

A Declaration Under 37 CFR §1.132 of Kevin Burrow, Vice President of King Systems Corporation, the licensee, is submitted herewith, which incorporates the information suggested by the Examiner that would be helpful in showing how one of ordinary skill in the art would interpret Dryden. Specifically, it is established that one of ordinary skill in the art would view Dryden's Figure 1 as requiring connection at its proximal end to flexible tubes, and the flanges provided thereon are specifically taught in Dryden to be for that purpose. For example, Dryden teaches at column 5, lines 34-39:

The flexible breathing hoses may be connected to the breathing hose connectors and/or the Luer Lock ports by use of a solvent seal (as shown with the sampling port 37) or by friction fit over an expanded lip (as shown by outer flexible breathing hose 27 fitted over lip 28A).

Further, even when connected to flexible tubing at its proximal end, there is no teaching of how to connect the device of Figure 1 to an anesthesia machine. Thus, Dryden does not teach a multilumen proximal fitting for connection to a mating multilumen proximal terminal as specifically recited in the pending claims, and one of ordinary skill in the art would not interpret Dryden as doing so. Hence Dryden's Figure

1 is inoperative even for what it does teach, and clearly does not teach or suggest to one of ordinary skill in the art the present invention.

Only the present invention teaches the connection of a multilumen patient conduit to a multilumen proximal terminal via a multilumen proximal fitting that can be attached and detached from the multilumen proximal terminal by a user at a site of use. It was not until the present inventions were invented and publicized that those of skill in the art recognized the substantial benefits of a unilimb multilumen proximal fitting that is attachable and detachable to a mating multilumen proximal terminal, such as improved safety with a simpler and less expensive device. As seen from the prior art, including that cited in the Dryden patent, prior to the present invention, it was believed that detachability of the respiratory conduits from the rest of the circuit was extremely unsafe. The substantial benefits of the present inventions and the associated commercial success demonstrate that one of ordinary skill in the art could not reasonably interpret the Dryden patent to teach or suggest the claimed invention.

It is understood that this amendment places the case in condition for allowance over the art of record subject to further search.

Respectfully submitted,

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